

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Writ Petition No. 1029 (S/S) of 2006

Vimal Prasad Chaudhary,
S/o late Nanak Chandra,
Presently posted as junior Engineer (Electrical),
Vidyut Yantrik Khand,
Public Works Department,
Rishikesh,
District- Dehradun.

.....Petitioner

Versus

1. State of Uttaranchal through Secretary, Public Works Department, Government of Uttaranchal, Dehradun.
2. Chief Engineer, Level -I, Public Works Department, Uttaranchal Dehradun.
3. Executive Engineer, Public Works Department, Dehradun, District- Dehradun.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vivek Shukla, learned counsel for the petitioner and learned standing counsel for State of Uttaranchal on behalf of respondents

Petitioner has filed the present writ petition for the following reliefs:

- (a) *issue a writ, order or direction in the nature of Certiorari quashing and setting aside the impugned transfer order of the present petitioner passed by the respondents contained as Annexure No. 1 to this writ petition.*
- (b) *issue a writ, order or direction in the nature of Mandamus commanding and directing the respondents to continue the petitioner on the post of Junior Engineer*

(Electrical) in Vidyut Yantrik Khand, Rishikesh, Public Works Department, Dehradun.

- (c) Issue any other suitable writ, order or direction of any nature, which this Hon'ble Court may deem fit and proper in the present circumstances of the case in favour of the petitioner.*
- (d) to award the cost of the writ petition to the petitioner.*

The submission of the petitioner is that by the impugned order dated 28.06.2006 passed by respondent no. 2 petitioner, who is working as Sr. Junior Engineer (Electrical) Public Works Department, Rishikesh, has been transferred to Gopeshwar in public interest.

The petitioner has challenged impugned transfer order on the ground that the petitioner is suffering from heart disease. Petitioner has annexed a certificate issued by Cardiologist, Doon Hospital, Dehradun (Annexure No. 2 to the writ petition). Doctor has certified that petitioner is suffering from HT Bengial and has advised the petitioner for rest, regular medication, regular check up, very limited exertion, avoid high altitude, and climbing upstairs.

Petitioner has already made a representation before the competent authority i.e. respondent no. 2, raising all his grievances and the same is still pending before respondent no. 2.

In view of the certificate issued by Cardiologist, Doon Hospital, Dehradun, I deem it fit and proper to direct the respondent no. 2 to consider the case of the petitioner sympathetically and pass order on representation of the

petitioner dated 02.07.2006 (annexure no. 4 to the writ petition) within a period of four weeks from the date of production of certified copy of this order. Petitioner is also directed to supply the copy of this order to respondent no. 2 within a week from today. Till the decision is taken by the respondent no. 2 on the representation of the petitioner dated 02.07.2006, petitioner shall not be relieved for Gopeshwar, in case, he has not already been relieved.

With this direction the writ petition is finally disposed of.
No order as to costs.

(M.M. Ghildiyal, J)

July 28, 2006

SKSharma